

Thomas L. Toth

S/N: 10/063,366

REMARKS

Claims 1-27 are pending. Claims 1-5, 8-13, and 16-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by McDaniel et al. (USP 4,780,897). Claims 24-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Hampel (USP 4,975,993). The Examiner next rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over Hampel in view of Perry et al. (USP 6,236,709). Claim 10 was objected to and claims 6, 7, 14, 15, and 23 have been withdrawn from consideration as being directed to a non-elected species.

Claim 10 has been amended to address the objection raised by the Examiner.

Claims 1, 8, 16, and 19 have been amended to further highlight the patentable distinctions between the claimed invention and that taught by McDaniel et al. Claim 1 has been amended to set forth that "only one of the first filter and the second filter is positioned between the HF electromagnetic energy source and the subject when the HF electromagnetic energy source is energized to either one of the first energy state or the second energy state." The reference, as best shown in Fig. 4, teaches a dual-energy system whereby a pair of shutters are employed to block an x-ray beam such that "shutter 54 blocks the beam 44 when the voltage is at a high value while shutter 56 blocks the beam 46 when the voltage is at a low value." Col. 10, ll. 45-47. As further illustrated in Fig. 4, the reference teaches that both filters 48 and 50 are positioned between the x-ray source and the detectors regardless of the energization state of the x-ray tube. Accordingly, the reference fails to teach or suggest only one filter of a plurality of filters being positioned in an x-ray beam as presently called for in claim 1.

Claim 8 has been amended to call for the positioning of "only a first portion of a filtering apparatus between the subject and the HF electromagnetic energy source along a path of rotation during energization of the HF electromagnetic energy source to the first voltage potential" and positioning of "only a second portion of the filtering apparatus between the subject and the HF electromagnetic energy source along the path of rotation during energization of the HF electromagnetic energy source to the second voltage potential." As previously established, McDaniel et al. discloses placement of both of its filters between the x-ray source and subject regardless of the energization state of the x-

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ray tube. Thus, claim 8 is believed to be patentably distinct from that disclosed by the reference.

Claim 16 has been amended to call for a "single" projection path along which a beam of electromagnetic energy is projected and that the first filter is in the path when a first beam is being projected and the second filter is in the path when a second beam is being projected. As also illustrated in Fig. 4, McDaniel et al. teaches separate projection paths in which the pair of filters are positioned. Thus, the reference fails to teach placement of both filters in the same projection path. As such, claim 16 is believed allowable.

Claim 19 has been amended to further call for the removal of the first filter from being positioned between the HF electromagnetic energy source and the subject before a second filter is positioned between the energy source and the subject. As illustrated in Fig. 4, McDaniel et al. teaches a pair of filters that are constantly in an x-ray path. In this regard, the reference fails to teach or suggest the removal of one filter to allow positioning of a second filter. Therefore, claim 19 is believed to be in condition for allowance.

The Examiner rejected claim 24 as being anticipated by Hampel. Claim 24 has been amended to further define the hub as having a generally circular cross-section. As illustrated throughout the figures of Hampel, the reference teaches a planar assembly and, as such, a cross-sectional view of the "hub" would not be generally circular. Accordingly, claim 24 is believed to be in condition for allowance.

Regarding the rejection of claim 27, Applicant disagrees with the Examiner with respect to the art as applied, but in light of claim 27 depending from what is believed an otherwise allowable claim, Applicant does not believe additional remarks are necessary and therefore requests allowance of claim 27 based on the chain of dependency.

Notwithstanding the amendments made herein, it is believed that claims 1, 8, and 19 are generic and, as such, upon their allowance, claims 6, 7, 4, 15, and 23 should be rejoined.

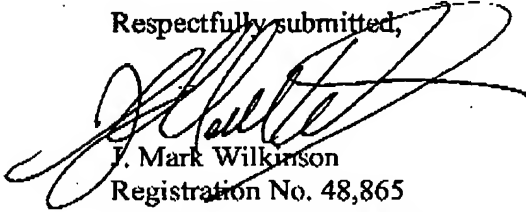
Therefore, in light of at least the foregoing, Applicant believes claims 1-27 to be in condition for allowance. A Notice of Allowance is requested.

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S/N: 10/063,366

Applicant appreciates consideration of the amendments and remarks presented herein, and cordially invites the Examiner to contact the undersigned with any questions regarding this matter.

Respectfully submitted,



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